

# Media Server and Copyright Policy

We will digitize and broadcast media on our media server in accordance with the Copyright Law (Title 17, U.S. Code), specifically the Copyright Act of 1976, the Technology, Education, and Copyright Harmonization Act or TEACH Act of 2002<sup>1</sup> and the doctrine of Fair Use<sup>2</sup>. *Please see the Media Server Policy Frequently Asked Questions, which help clarify the policy.*

**I. Pursuant to the Technology, Education, and Copyright Harmonization Act (TEACH Act), only the following works and portions of works are eligible for digital copying or for conversion to a digital format:**

1. Unlimited portions of nondramatic literary or musical works (examples: short stories, any music other than operas or musicals);
2. Reasonable and limited<sup>3</sup> portions of any other work (examples: films, videos, operas); and
3. Still images (anything that would typically be displayed and used in a live, face-to-face teaching encounter).

**II. The following conditions apply to any digitization of the above media:**

1. The eventual performance or display must be done at the direction of or under the actual supervision of the instructor;
2. The eventual performance or display must be part of a systematic mediated instructional activity;
3. The eventual performance or display must be directly related and of material assistance to the teaching content; and
4. The transmission of the digital copies will be limited to students actually enrolled in the class.

**III. The following media will not be digitized or broadcast on the media server:**

1. Works produced or marketed primarily for classroom use (examples: textbooks or coursepacks);
2. Media that is known or should be known to have been unlawfully acquired or copied in violation of federal copyright law.

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<sup>1</sup> Laws, Kenneth D. "New Copyright Law for Distance Education: The Meaning and Importance of the TEACH Act." Copyright Management Center. Indiana University School of Law-Indianapolis. 10-Nov 2003. 30-Mar-2005. <[http://www.copyright.iupui.edu/teach\\_summary.htm](http://www.copyright.iupui.edu/teach_summary.htm)>

<sup>2</sup> Please see the FAQ section for an explanation of fair use.

<sup>3</sup> To remain within the bounds of the TEACH Act and Fair Use, the maximum amount of "any other work" that we will digitize depends on the nature and the commercial availability of the work.

- Generally we will digitize no more than can be viewed during Wofford's longest class period.
- In some cases we may digitize a larger portion than this if permitted by the doctrine of Fair Use.

#### **IV. Information Technology will do the following:**

1. Convert media to a digital format
  - a. We will digitize media only under the following conditions:
    - i. The professor of the course has written approval from the copyright holder of the work;
    - ii. The media is legally owned by Wofford College or by the professor of the course for which the transmission will be made; or
    - iii. The material has been taped off-air.
  - b. We will not digitize more of the work than is needed for instruction or more of the work than is permitted according to Section I.
  - c. We will not digitize analog media for which digital versions already are available. However, we will digitize analog media if the digital version is secured by technological protection measures that prevent its availability.
  - d. We generally will not interfere with measures, such as digital rights management codes, that copyright owners have embedded in the work to control its access
    - i. Under a DMCA exemption granted in 2006, it is permissible for professors to copy film clips from DVDs for classroom use.
2. Broadcast the media
  - a. We will limit access to students officially enrolled in the course for which the transmission is made, to the extent technologically feasible.
  - b. We will broadcast the media in a form, to the extent technologically feasible, that
    - i. Prevents retention of the work by the students for longer than the class session; and
    - ii. Prevents students from further dissemination of the work in accessible form.
  - c. We will broadcast the media within a time period agreed on with the instructor, with the following restrictions:
    - i. This time period must be relatively short, generally a week or less.
    - ii. Copyright laws prevent us from leaving digitized media available on the server for review for an entire term.
3. Retain copies of the media
  - a. We will retain copies for the sole use of Wofford College administration, faculty, and students.
  - b. No further copies will be made except pursuant to this Policy and all applicable federal copyright laws.
  - c. We will not maintain media on a network server for availability to students after the period needed for its transmission.
  - d. We will not store the material on a system or network where it can be accessed by anyone other than its intended recipients.

**V. The Professor in the course for which the transmission will be made will do the following:**

1. Ensure that the media qualifies for digitization as describe in sections I, II, and III.
2. Make arrangements with the Director of the Instructional Technology Lab in a timely fashion
  - a. Sign and date the Media Server permissions form for the media to be transmitted;
  - b. Provide the media to be digitized and a list of the students in the class at least a month in advance; and
  - c. Make arrangements for transmission of the work at least two weeks in advance.
3. Provide notice to students that materials used in connection with the course may be subject to copyright protection.
4. Refrain from making any additional copies of the digitized media.
5. Ensure that the materials serve educational pursuits and are not for entertainment or any other purpose.

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